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6 Attorneys for Defendant MIDLAND
FUNDING, LLC
7

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 CHARLIE HAUSWIRTH,

12 Plaintiff,

13 v.

14 MIDLAND FUNDING, LLC; LEGAL
15 RECOVERY LAW OFFICES, INC.;
and MARK D. WALSH,

16 Defendants.

Case No. 12-CV-0711 DMS (DHB)

17
18 **JOINT MOTION TO: (1) EXTEND
DISCOVERY CUT-OFF; AND (2)
EXTEND LAW AND MOTION
CUT-OFF BY 60 DAYS**

19 Plaintiff CHARLIE HAUSWIRTH and Defendants MIDLAND FUNDING,
20 LLC, LEGAL RECOVERY LAW OFFICES, INC., and MARK D. WALSH,
21 through their counsel of record, jointly move the Court for an order extending the
22 existing discovery cut-off date and law and motion cut-off date by sixty (60) days.
23 Grounds for the motion are that a motion to dismiss the amended complaint under
24 Rule 12(b)(6) is currently pending with a hearing date of February 22, 2013. The
25 current discovery cut-off date is March 15, 2013, and the current law and motion
cut-off date is April 15, 2013.

26 Under the current schedule, the parties would have to incur the expense of full
27 discovery, including numerous out-of-town depositions, while the motion to dismiss
28 is pending. The parties wish to avoid unnecessary discovery expense until the

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BY 60 DAYS

1 pleadings are closed. Accordingly, the parties request that the current discovery cut-
2 off date be extended from March 15, 2013 to May 17, 2013, and the current law and
3 motion cut-off date be extended from April 15, 2013 to June 17, 2013.

4 Alternatively, if this requested extension is unacceptable to the Court, the parties
5 request the Court set a conference call to discuss scheduling.

6 DATED: February 8, 2013 SOLOMON WARD SEIDENWURM &
7 SMITH, LLP

9 By: *s/Thomas E. Landers*

By: /s/Thomas F. Landers

THOMAS E. LANDERS

LEAH S. STRICKLAND

Attn: **Attorneys for Defendant MIDLAND
FUNDING, LLC**

DATED: February 8, 2013 HYDE & SWIGART

DATED: February 8, 2013 HYDE & SWIGART

15

By: /s/Joshua B. Swigart

JOSHUA B. SWIGART ROBERT J. WEDE

ROBERT L. HYDE
Attorney for Plaintiff

Attorneys for Plaintiff CHARLIE
HAUSWIRTH

DATED: February 8, 2013
LEGAL RECOVERY LAW OFFICES, INC.

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By: /s/David A. Cotter

By. /s/ David A. Cotter

DAVID A. COFFER

Attorneys for Defendants LEGAL

RECOVERY LAW OFFICES, INC. and
MARK D. WALSH

1 **Signature Certification**

2 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative
3 Policies and Procedures Manual, I hereby certify that the content of this document is
4 acceptable to Joshua B. Swigart, counsel for plaintiff, and David A. Cotter, counsel
5 for defendants Legal Recovery Law Offices, Inc. and Mark D. Walsh, that I have
6 obtained Mr. Swigart's and Mr. Cotter's authorization to affix their electronic
7 signature to this document.

8 */s/ Thomas F. Landers*

9 THOMAS F. LANDERS